

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Heather Lin Hernan

Docket No. 7:14-MJ-1142-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment of Heather Lin Hernan, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge on April 1, 2015, to 12 months probation under the conditions adopted by the court.

On May 29, 2015, after the defendant assaulted her mother, the court modified the conditions of supervision to include mental health counseling and five days in jail.

On October 30, 2015, a violation report was submitted to the court reporting that the defendant had failed to complete her driving while impaired assessment as required, failed to pay the \$10 special assessment and \$200 fine, failed to complete the 24 hours of community service as ordered, and failed to comply with mental health counseling as instructed. On November 2, 2015, the court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant still has not completed the driving while impaired assessment or the 24 hours of community service as required. She has paid the special assessment and fine. She has completed her mental health assessment, but has not followed up with the recommended counseling. The defendant reports transportation problems are the reason she has not completed these outstanding obligations. She has been counseled about completing these obligations as soon as possible to avoid being returned to court for a possible revocation hearing. At this time, we are recommending that the term of probation be extended for six months to allow the defendant additional time to complete these obligations. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The term of probation be extended for six months to the new expiration date of September 30, 2016.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

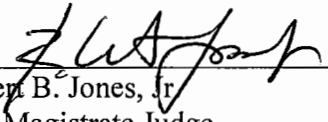
Phone: 910-354-2537

Executed On: February 22, 2016

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ORDER OF THE COURT

Considered and ordered this 22 day of February, 2016 and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge